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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,721	08/20/2003	John G. McCarthy	10020842-1	8101
22879	7590	07/19/2006		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER PATEL, NIKETA I	
			ART UNIT 2181	PAPER NUMBER

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,721	<b>Applicant(s)</b> MCCARTHY, JOHN G.	
	<b>Examiner</b> Niketa I. Patel	<b>Art Unit</b> 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 and 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

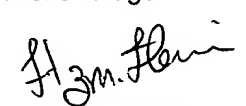
#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**FRITZ FLEMING**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2100  
7/2/2006

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Species I (claims 1-6, 8-11) in the reply filed on 4/21/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 12-15, 17-25 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/21/2006.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 3-6, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng U.S. Patent Application Publication Number: 2003/0005130 A1 (hereinafter referred to as “Cheng”).
5. Referring to claim 1, *Cheng* teaches upon receiving a device command from a first host, reserving for the first host a device targeted by the device command and setting a reservation time period for expiration of the reservation [see paragraphs 0039, 0046, Reserve command,

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starting time and ending time and paragraph 0052, expiration of the reservation time period,] the reservation time period being determined based on a command type of the device command [see paragraph 0039, message types and characteristics.]

6. **Referring to claims 3, *Cheng*** teaches further comprising: upon receiving a device command targeted to the device from a second host, determining if the device is reserved and if the device is reserved to a host other than the second host, denying the device command from the second host [see paragraphs 0044, 0046, 0047, if any resource is not available, the reservation request fails.]

7. **Referring to claim 4, *Cheng*** teaches wherein determining if the device is reserved comprises determining if the reservation time period has expired [see column 1, lines 45-59 and column 2, lines 3-14 and column 4, lines 7-38.]

8. **Referring to claim 5, *Cheng*** teaches further comprising if the device is not reserved, executing the device command from the second host [see paragraphs 0039, 0046, 0052, Reserve command, starting time and ending time.]

9. **Referring to claims 6, *Cheng*** teaches wherein the device command from the second host comprises a clear command [see paragraphs 0039, 0046, 0052, Release command or Unschedule.]

10. **Referring to claims 8, *Cheng*** teaches wherein the device command comprises one of a write command, a rewind command, a read command, a load command, an unload command, and a seek command [see paragraph 0047, streaming – i.e., read or load.]

11. **Referring to claims 9, 10, *Cheng*** teaches wherein the device command comprises a tape device command, a disk device command, [see paragraph 0029, 0032, tape, disk.]

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng U.S. Patent Application Publication Number: 2003/0005130 A1 (hereinafter referred to as “*Cheng*”).

14. Referring to claims 2, *Cheng* teaches upon receiving a device command from a first host, reserving for the first host a device targeted by the device command and setting a reservation time period for expiration of the reservation [see paragraphs 0039, 0046, 0052] however, does not set forth the limitation of further comprising upon receiving a second device command from the first host, resetting the reservation time period.

It would have been obvious to one of ordinary skill in the art at the time of applicant’s invention that it was old and well known in the computer art to get the advantage of allowing a host to reset a memory access period in order to meet the demand of the host process by resetting the reserved time period of the memory access. It would have been obvious to one of ordinary skill in the art the time of applicant’s invention implement resetting the reservation time period to get this advantage.

15. Referring to claims 11, *Cheng* teaches upon receiving a device command from a first host, reserving for the first host a device targeted by the device command and setting a

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reservation time period for expiration of the reservation [see paragraphs 0039, 0046, 0052] however, does not set forth the limitation of wherein the device command comprises a Small Computer System Interface (SCSI) command.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of using SCSI commands in order to allow faster communication and the ability to daisy chain up to seven different devices. It would have been obvious to one of ordinary skill in the art the time of applicant's invention implement Small Computer System Interface (SCSI) command to get this advantage.

### ***Response to Arguments***

16. Applicant's arguments filed 1/11/2006 have been fully considered but they are not persuasive. The applicant argues that *Cheng* does not teach the reservation time period being determined based on a command type of the device command. The examiner respectfully disagrees with this argument. *Cheng* teaches to determine reservation time period based on a command type at paragraph 0039, which discloses that, a message types and characteristics are used to schedule reservation time period.

***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz Fleming can be reached on (571) 272 4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

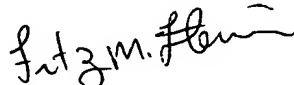
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP

07/07/2006

  
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7/7/2006